

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/076,035	02/14/2002	3643	0.00	474-4	7	20	3

CONFIRMATION NO. 7398

FILING RECEIPT



OC000000007711634

Jonathan A. Bay
Attorney at Law
333 Park Central East, Ste. 314
Springfield, MO 65806

Date Mailed: 03/25/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

L. Taizo Toelken, Neosho, MO;

02/16/2001

Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/269,281 02/20/2001
(* Data inconsistent with PTO records.)

Foreign Applications

If Required, Foreign Filing License Granted 03/25/2002

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

** SMALL ENTITY **

Title

Ultrasound quality inspection of avian eggs

Preliminary Class

119

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: L. Taizo TOELKEN

Application No.: 10/076,035

Filing Date: February 14, 2002

For: ULTRASOUND QUALITY INSPECTION OF AVIAN EGGS

TRANSMITTAL LETTER

Attn: Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

Please find enclosed for filing:

- ☒ Response to Notice of Missing Parts.
- ☒ Copy of *Notice to File Missing Parts of Application - Filing Date Granted* (eg., form PTO-1533).
- ☒ Declaration/Power of Attorney
(as attached to a copy of the application identical to that filed February 14, 2002).
- ☒ Applicant claims small entity status under 37 C.F.R. §1.27.
- ☐ Assignment of the invention to _____, and, a Recordation Cover Sheet therefor.
Please return the recorded assignment to the undersigned.
- ☒ Information Disclosure Statement, PTO-1449 and copies of the references.
- ☒ Petition for Extension of Time under 37 C.F.R. 1.136(a);
- ☒ Preliminary Amendment.
- ☒ Request for Correction to the Filing Receipt.

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO THE ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231

ON 6-20-02
Joseph Bay
REGISTRATION NO. 35064
DATE 6-20-02

CLAIMS ON FILE

FOR	NO. FILED	NO. EXTRA
Basic Fee		
Total claims	- 20 -	0
Indep claims	- 3 -	0
multiple dependent claims present? No.		

If the difference in Col. 1 is less than zero, enter "0" in Col. 2

SMALL ENTITY

RATE	FEE
	\$ 370
X \$ 9	\$
X \$ 42	\$
X \$	\$
TOTAL	\$ 370

Other than a
Small Entity

RATE	FEE
	\$ 740
X \$	\$
X \$	\$
X \$	\$
TOTAL	\$

- ✓ A check in the amount of **\$ 490.00**, which includes:
 \$ 370.00 for basic application filing fee per above fee calculation;
 \$ 65.00 for surcharge for *Response to Notice of Missing Parts*;
 \$ 55.00 for one (1) month extension of time.

- ✓ Other: Return Postcard.

Respectfully submitted,

Date: June 20, 2002

Jonathan Bay
 Jonathan A. Bay
 Registration No. 35,064
 Attorney at Law
 333 Park Central East, Ste. 314
 Springfield, MO 65806
 (417) 873-9100

Docket No. 474-4



Receipt

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: L. Taizo TOELKEN

Application No.: 10/076,035

Filing Date: February 14, 2002

For: ULTRASOUND QUALITY INSPECTION OF AVIAN EGGS

**REQUEST FOR CORRECTION
TO THE FILING RECEIPT**

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO THE ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231

ON 6-20-02
Jonathan Bay
REGISTRATION NO. 35064
DATE 6-20-02

Attn: Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicant respectfully requests correction to the official *Filing Receipt*, mailed March 25, 2002 (copy attached and marked up in red), in the field entitled "Domestic Priority Data as claimed by Applicant," for the wrong priority date given there as 02/20/2001 when reference to the attached copy of a *Decision* from the "Office of the Deputy Assistant Commissioner for Patent Examination Policy" (mailed July 16, 2001), shall show it to be

--02/16/2001--,

and as marked in red by the attached copy of the (*Updated*) *Filing Receipt*.

This correction is supported by the Patent & Trademark Office file for the priority provisional application for the above-identified application as reference thereto will show.

Respectfully submitted,

Date: June 20, 2002

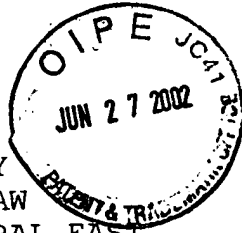
Jonathan A. Bay
Jonathan A. Bay
Registration No. 35,064
Attorney at Law
333 Park Central East, Suite 314
Springfield, MO 65806
(417) 873-9100

Docket No. 474-4



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov



Paper No. 3

JONATHAN A BAY
ATTORNEY AT LAW
333 PARK CENTRAL EAST
SUITE 314
SPRINGFIELD, MO 65806

COPY MAILED

JUL 16 2001

**OFFICE OF PETITIONS
A/C PATENTS**

In re Application of	:	
L. Taizo Toelken	:	DECISION DISMISSING
Application No. 60/269,281	:	PETITION
Filed: February 16, 2001	:	
Attorney Docket No. 474-1	:	

This is a decision on the petition under 37 CFR 1.10(d) filed April 4, 2001, requesting that the above-identified application be accorded a filing date of February 15, 2000, rather than the presently accorded filing date of February 20, 2001.

Applicant requests the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on February 15, 2001. Pursuant to the requirements of 37 CFR 1.10.

Paragraph (a) of 37 CFR 1.10 states that:

Any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS. The date of deposit with the USPS is shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation. If the USPS deposit date cannot be determined, the correspondence will be accorded the Office receipt date as the filing date. See §1.6(a).

Paragraph (d) of 37 CFR 1.10 states that:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly

entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS. Any statement submitted in support of such a showing pursuant to this paragraph must be a verified statement if made by a person other than an employee of the USPS or a practitioner as defined in § 10.1(r) of this chapter.

A grantable petition under 37 CFR 1.10(d) must include "a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in 'Express Mail Post Office to Addressee' service prior to the last scheduled pickup for that day." In addition, the showing "must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the 'Express Mail Post Office to Addressee' service of the USPS." Evidence from the USPS may be the Express Mail Corporate Account Mailing Statement. Evidence that came into being within one day after the deposit of the correspondence as Express Mail may be in the form of a log book which contains information such the place, date and time of deposit; the time of the last scheduled pick-up for that date; and the date and time of entry in the log.

The petition filed April 4, 2001 is accompanied by a copy of the USPS Track/Confirm system information showing the Express Mail

package in question was enroute to Washington, DC on February 16, 2001, not February 15, 2001.

Since the evidence from the USPS, namely, the USPS Track/Confirm system information, corroborates a "date-in" of February 16, 2001, the petition is granted to the extent that the filing date has been corrected to February 16, 2001. The petition is otherwise dismissed.

Any request for reconsideration of this decision should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (see 37 CFR 1.181(f)) and should be addressed as follows:

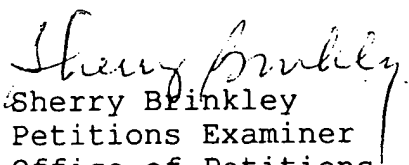
By mail: Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
Attn: Office of Petitions

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

The application is being returned to Initial Patent Examination Division for correction of the filing date to February 16, 2001.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.


Sherry Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: L. Taizo TOELKEN

Application No.: 10/076,035

Filing Date: February 14, 2002

For: ULTRASOUND QUALITY INSPECTION OF AVIAN EGGS

RESPONSE TO NOTICE OF MISSING PARTS

Attn: Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice of Missing Parts, mailed March 20, 2002 (a copy of which is enclosed), applicant submits herewith the signed Declaration and fee for the official filing fee for a small entity (fees enclosed herewith, as well as an accompanying petition for extension and the required fee therefor). The signed Declaration is attached to a copy of the application identical to that filed February 14, 2002.

The surcharge required by Rule 16 for this *RESPONSE TO NOTICE OF MISSING PARTS* is included in the fees submitted.

Respectfully submitted,

Date:

June 20, 2002

Docket No. 474-4

Jonathan A. Bay

Registration No. 35,064

Attorney at Law

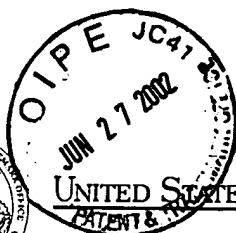
333 Park Central East, Suite 314

Springfield, MO 65806

(417) 873-9100

CERTIFICATE UNDER 37 CFR 1.8(a)
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO THE ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231

ON 6-20-02
Jonathan Bay
REGISTRATION NO. 35064
DATE 6-20-02



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/076,035	02/14/2002	L. Taizo Toelken	474-4

CONFIRMATION NO. 7398

FORMALITIES LETTER



OC000000007711635

Jonathan A. Bay
Attorney at Law
333 Park Central East, Ste. 314
Springfield, MO 65806

Date Mailed: 03/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 435.**

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/02/2002 SMINASS1 00000065 10076035

01 FC:201 370.00 OP
02 FC:205 65.00 OP

JONATHAN A. BAY
ATTORNEY AT LAW
314 WOODRUFF BUILDING
333 PARK CENTRAL EAST
SPRINGFIELD, MO 65806



Attn: Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231